

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, I.,  
THEODORE B. SAVAGE, J.D., and  
AARON CHRISTOPHER WHEELER

CIVIL ACTION

NO. 02-2949

VS.

JEFFREY A. BEARD,  
DAVID DIGUGLIELMO, and  
KIM ULISNY

O R D E R

AND NOW, this \_\_\_\_\_ day of March, 2008, upon consideration of the motion of Plaintiff Theodore B. Savage, J.D., for transcript of proceeding and copy of civil docket in forma pauperis needed for purpose of appeal, it is hereby ORDERED that the motion is GRANTED by the Court.

The Clerk of Courts Office of this Court is hereby ORDERED to provide Plaintiff Theodore B. Savage, J.D. a copy of the following without being required to prepay fees or costs thereof:

1. Document # 94, Transcript of proceeding held on 9/30/03;  
and
2. A copy of the CIVIL DOCKET summary listing all filings  
in this case.

\_\_\_\_\_  
TIMOTHY J. SAVAGE, J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, I.,	:	CIVIL ACTION
THEODORE B. SAVAGE, J.D., and	:	
AARON CHRISTOPHER WHEELER	:	
	:	NO. 02-2949
VS.	:	
	:	
JEFFREY A. BEARD,	:	
DAVID DIGUGLIELMO, and	:	
KIM ULISNY	:	

MOTION FOR TRANSCRIPT OF PROCEEDING AND COPY OF  
CIVIL DOCKET SUMMARY FOR PURPOSE OF APPEAL  
IN FORMA PAUPERIS

NOW COMES, Plaintiff THEODORE B. SAVAGE, J.D., and he moves this Honorable Court for an Order substantially in the form attached hereto, directing that he be provided a copy of Document #94, Transcript of Proceeding held on September 30, 2003, and a copy of the Civil Docket Summary listing all filings in this case, needed for purpose of opposing Defendant's appeal in the Third Circuit Court of Appeals, and he avers as follows in support thereof, to wit:

1. That by Order of the Third Circuit Court of Appeals, the appellate court allowed court appointed counsel, Teri B. Himebaugh, Esquire to withdraw from representing the Plaintiff's on appeal in this matter.
2. That therefore, Plaintiffs are proceeding Pro-Se before the Third Circuit Court of Appeals defending this Honorable Courts Judgment in favor of the Plaintiffs. The Commonwealth defendants are the appellants while Plaintiffs and undersigned are appellees defending this courts judgment.
3. That by Order of the Third Circuit Court of Appeals dated February 11, 2008, it set a briefing schedule, which requires the appellees (Commonwealth defendants) to file their Appellant Brief on or before March 24, 2008, and for appellees (Plaintiff/Prisoners) to file their Appellee Brief within (30) days after Appellants file their brief.
4. That as Teri B. Himebaugh, Esquire was granted leave to withdraw from representing Plaintiffs, Plaintiffs have agreed that Plaintiff Savage (the undersigned) will prepare and file a "Consolidated Appellee Brief" to defend this Courts May 3, 2007 decision in this case.
5. That the parties to this action appeared before this Court on September 30, 2003, at which time Oral Argument was held before this Court. This Oral Argument was transcribed and filed

of record at Document #94, however, Plaintiffs have never been provided a copy of such transcript of said Oral Argument.

6. That undersigned is in need of a copy of Document #94, Transcript of Proceeding of the Oral Argument held in this case on September 30, 2003, and a copy of the Civil Docket summary listing all filings in this case for purpose of effectively preparing the Appellee Brief to defend this Courts favorable May 3, 2007 decision.

7. That none of the Plaintiffs, or the undersigned, have ever been provided a copy of Document #94, Transcript of the September 30, 2003 Oral Argument, or the Civil Docket summary listing all the filings in this case.

8. That without the above stated transcript and Civil Docket summary, undersigned will be effectively precluded in preparing and filing the Appellee Brief defending this courts decision.

9. That undersigned is completely indigent without the funds to pay the costs for a copy of the requested documents needed to proceed on appeal.

10. That undersigned submits that tit is in the interest of justice and fundamental fairness that this court grant the relief sought in this instant motion.

WHEREFORE, Plaintiff THEODORE B. SAVAGE; J.D., requests this Court grant the relief set forth in the attached proposed Order, directing the Clerk of Court provide him a copy of Document #94, Transcript of the September 30, 2003 Oral Argument, and a copy of the Civil Docket summary listing all filings in this case without him being required to prepay fees or costs thereof.

I hereby declare under penalty of perjury that the facts in this motion are true and correct.

Respectfully submitted,

Theodore B. Savage  
Theodore B. Savage, J.D.  
SCI-Cresson, #CB-2674  
P.O. Box A  
Cresson, PA 16699

Date: March 5, 2008

Plaintiff Pro-Se

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I am this day serving a true and correct copy of the foregoing motion upon the following individual(s) by Regular First Class Mail, Postage Prepaid, and addressed as follows:

Mr. John Shellenberger, Esquire  
Chief Deputy Attorney General  
Office of Attorney General  
21 S. 12th Street, 3rd FL.  
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Graterford, PA 19426

Ms. Marcia M. Waldron, Clerk  
Office of the Clerk  
U.S. Court of Appeals  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

Date Mailed: March 5, 2008

By: Theodore B. Savage  
Theodore B. Savage, J.D.  
SCI-Cresson, #CB-2674  
P.O. Box A  
Cresson, PA 16699

PLAINTIFF PRO-SE